

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE CREATION OF THE COLORADO COMMODITY SUPPLEMENTAL FOOD GRANT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Reps. Willford and Taggart  
Senator Mullica

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**Appropriation Items of Note**

**Appropriation Already Added to Bill, No Amendment in Packet**

**General Fund Impact**

**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/10/23.

<b>XXX</b>	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The reengrossed bill includes committee and floor amendments to the bill adopted on second reading in the House (04/14/23) and the Senate Health & Human Services Committee Report (04/27/23) includes committee amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the amendments do not change the fiscal impact of the bill.

**Amendments in This Packet for Consideration by Appropriations Committee**

<b>Amendment</b>	<b>Description</b>
None.	

**Current Appropriations Clause in Bill**

The bill includes an appropriations clause that appropriates \$1.0 million General Fund to the Department of Human Services for FY 2023-24. The provision also makes the any amount of the appropriation that is unexpended at the end FY 2023-24 available for expenditure for the same purpose in FY 2024-25.

**Points to Consider**

*General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2023-24 based on the March 2023 Office of State Planning and Budgeting (OSPB) revenue forecast. The budget package includes two set-asides for legislation outside of the package: (1) \$30.0 million General Fund for bills that create ongoing obligations; and (2) \$469.0 million for bills that create one-time obligations for FY 2023-24 (see table below).

General Fund Appropriation Placeholders for Other 2023 Legislation	
Description	FY 2023-24
Legislation with Ongoing Fiscal Impacts	\$30,000,000
Legislation with One-time Fiscal Impacts	
Workforce-related legislation, including free credentials, math scholarships, adult education, and concurrent enrollment	103,000,000
Housing-related legislation, including property tax relief, land use, and public-private partnerships	221,000,000
Legislation related to topics other than workforce and housing, including rural opportunity, line of duty loss, and Proposition 122 implementation	145,000,000
Subtotal	\$469,000,000
<b>TOTAL Placeholders for Other 2023 Legislation</b>	<b>\$499,000,000</b>

The budget package accounts for the 15.0 percent reserve associated with the above placeholders (a total of \$74.9 million).

This bill creates a one-time obligation and requires a General Fund appropriation of \$1.0 million for FY 2023-24, reducing the \$469.0 million set aside by that amount.

*Related Budget and Programmatic Information*

There is currently in statute the Food Pantry Assistance Grant Program (Section 26-2-139, C.R.S.), which is overseen by the Department of Human Services. The Program provides financial assistance to food banks and food pantries in Colorado for the acquisition and distribution of food, and for operating expenditures of the organizations. Food banks and food pantries are encouraged to purchase Colorado agricultural products and agricultural products that hold cultural significance to their clientele. In addition, food banks and food pantries may use up to 20.0 percent of their grant award for “direct and indirect expenses associated with the distribution of food.” The Department may retain up to 5.0 percent of total appropriations for the direct and indirect costs of administering the program.

**HB23-1158**

**JBC Staff Analysis**

The Food Pantry Assistance Grant Program was created by H.B. 20-1422, which provided an initial appropriation of \$500,000 General Fund and 0.5 FTE in FY 2019-20. Funding for the Program has been provided through legislative action in each fiscal year since. The primary source of program funding is General Fund, at \$22.5 million over four fiscal years. The exception to this is in FY 2021-22, when \$5.0 million cash funds were appropriated to the Program from the Economic Recovery and Relief Cash Fund (created in Section 24-75-228, C.R.S.), which originates as money received from the federal American Rescue Plan Act (ARPA).

FOOD PANTRY ASSISTANCE GRANT PROGRAM FUNDING HISTORY						
BILL	FISCAL YEAR	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	FEDERAL FUNDS
H.B. 20-1422	FY 2019-20	\$500,000	\$500,000	\$0	\$0	\$0
H.B. 20B-1003	FY 2020-21	5,000,000	5,000,000	0	0	0
S.B. 21-027	FY 2021-22	5,000,000	0	5,000,000	0	0
H.B. 22-1364	FY 2022-23	3,000,000	3,000,000	0	0	0
S.B. 23-119 <sup>1</sup>	FY 2022-23	14,000,000	14,000,000	0	0	0
	<b>Total Funding</b>	<b>\$27,500,000</b>	<b>\$22,500,000</b>	<b>\$5,000,000</b>	<b>\$0</b>	<b>\$0</b>

<sup>1</sup> S.B. 23-119 (Dept. of Human Services Supplemental) provides \$14.0 million General Fund to the Grant Program and includes a footnote attached to the appropriation granting roll-forward spending authority for this amount through FY 2023-24.

House Bill 23-1158, as amended by the Senate Health & Human Services Committee (04/27/23), creates two new grant programs: the Colorado Commodity Supplemental Food Grant Program and the Food Bank Assistance Grant Program. The Colorado Commodity Supplemental Food Grant Program provides financial assistance to county departments of human or social services, county and district public health agencies, and food banks for nutrition assistance to low-income, older Coloradans. The Food Bank Assistance Grant Program provides financial assistance to food banks and food pantries to increase their capacity to distribute nutrition assistance. In both programs, the statutory definition of “food bank” and “food pantry” are substantively the same as those in the Food Pantry Assistance Grant Program. All three grant programs ultimately serve the same, or similar, at-risk communities in Colorado and none have requirements to provide status reports to the General Assembly.

How are the Food Pantry Assistance Grant Program, the Food Bank Assistance Grant Program, and the Colorado Commodity Supplemental Food Grant Program different?

Is it necessary to create new grant programs to provide nutrition assistance to at-risk communities, rather than adjusting existing requirements of the Food Pantry Assistance Grant Program to address the needs of these communities?

Should the Department of Human Services be required to provide program status reports to the General Assembly for the three grant programs identified above?